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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,914	06/20/2003	Richard Paul Ejzak	LUC-369/Ejzak 32-4	5884

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EXAMINER

SMITH, CREIGHTON H

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/600,914	<b>Applicant(s)</b> EJZAK ET AL.	
	<b>Examiner</b> Creighton H. Smith	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 15, 17, and 19 are rejected under 35

U.S.C. 102(E) as being anticipated by Ejzak – U.S. Patent Publication

#2003/0027569/U.S. patent #6,871,070.

Ejzak discloses in Figure 1 a user equipment (111), that is most likely a cell phone, laptop, etc. In [0006 & 0007], Ejzak discloses as need for a communications system that will support services for mobile units using either circuit-switched (CS) or packet-switched (PS) communications systems, and then provides for a system that will support features and services for mobile units in either the CS or PS communication systems. In [0019] Ejzak discloses that his device provides an internetworking MSC (iMSC) server, and is depicted in Fig. 1 as element #201. Ejzak's iMSC server translates the CS domain registrations, call control, feature control, and feature invocation procedures associated with access technology to standard SIP procedures. SIP, or Session Initiation Protocol is the call control protocol for Internet Protocol, IP. See [0004]. In [0011], Ejzak further discloses that his iMSC server translates control procedures into SIP. In [0057], Ejzak discloses that his iMSC provides internetworking between handover procedures involving SIP call control.

Regarding claim 5, depending on which network has the stronger signal, CS or PS, will determine where the active call is being switched "from" and "to."

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 9, 13, 16, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejzak '070 in view of Denman et al '451.

Denman et al disclose ANSI-41 signaling network (330-Fig. 3). Also shown in Fig. 3 is ANSI-41 signalling between Wireless Mobility Server (316) and gateway 326. To have provided Denman et al disclosure of a server, located in a wireless environment, utilizing ANSI-41 signalling in Ejzak's iMSC server would have been obvious to a person having ordinary skill in an art such as this wireless technology, because of Denman et al disclosure in col. 7, lines 10-15, that one of the functions of wireless Mobility Server 316 is handoff.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cyr et al and Zhao.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

30 OCT '06



Creighton H Smith  
Primary Examiner  
Art Unit 2614